

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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ABELARD BERROTERAN,  
Plaintiff,

v.

QUIRK AND TRATOS, et al.,  
Defendants.

Case No.: 2:21-cv-00396-RFB-EJY

**ORDER**

On March 9, 2021, *pro se* Plaintiff filed a Complaint with the Clerk of the Court to commence a civil action in this Court. ECF No. 1-1.

Plaintiff has neither paid the \$400 filing fee for this matter nor filed an application to proceed *in forma pauperis*, which he must do pursuant to 28 U.S.C. § 1915(a)(1) and the U.S. District Court for the District of Nevada Local Rule LSR 1-1 if he wishes to proceed without paying the mandatory filing fee. Local Rule LSR 1-1 states: “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*. The application must be made on the form provided by the court and must include a financial affidavit disclosing the applicant’s income, assets, expenses, and liabilities.”

The Court shall retain Plaintiff’s Complaint (ECF No. 1-1), but the Court will not file the Complaint unless and until Plaintiff timely pays the \$402 filing fee or files a complete application to proceed *in forma pauperis*.

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall retain Plaintiff’s Complaint (*id.*) but will not file it at this time.

IT IS FURTHER ORDERED that the Clerk of Court shall send Plaintiff the approved application to proceed *in forma pauperis* by a non-prisoner form, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

1 IT IS FURTHER ORDERED that within **thirty (30) court days** from the date of this Order,  
2 (1) Plaintiff shall file a fully complete application to proceed *in forma pauperis*, on the correct form,  
3 in compliance with 28 U.S.C. § 1915(a) and LSR 1-1; or (2) Plaintiff shall pay the full \$402 fee for  
4 filing a civil action (which includes the \$350 filing fee and the \$52 administrative fee).

5 IT IS FURTHER ORDERED that a failure to comply with this Order may result in a  
6 recommendation to dismiss this case.

7 DATED THIS 11th day of March, 2021.

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11 ELAYNA J. YOUCHAK  
12 UNITED STATES MAGISTRATE JUDGE  
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